

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TYRICE HILL,	:	Case No. 2:22-cv-03742
	:	
Plaintiff,	:	District Judge James L. Graham
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
ANNETTE CHAMBERS-SMITH, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

ORDER

This matter is before the Court on Plaintiff’s “Opposition/Motion to Strike to Defendant’s Answer Filed 2/20/24” (“Opposition,” Doc. No. 38). That document both substantively responds to Defendant Chambers-Smith’s Answer to Third Amended Complaint (Doc. No. 36) and moves to strike that Answer on the grounds that Defendant Chambers-Smith’s defenses “are unsupported by any factual allegations and lack[] plausibility.” (Doc. No. 38, PageID 675.)

As the Court has previously explained to Plaintiff (*see* Notation Order, Oct. 2, 2023; Notation Order, March 6, 2024), the Federal Rules of Civil Procedure do not permit a response to an answer. *See* Fed. R. Civ. P. 7(a) (“Only these pleadings are allowed . . .”). Accordingly, to the extent that Plaintiff’s Opposition substantively responds to Defendant Chambers-Smith’s Answer, the Court will disregard that filing.

As to Plaintiff’s request that the Court strike Defendant Chambers-Smith’s Answer, the “action of striking a pleading should be sparingly used by the courts.” *Brown*

& Williamson Tobacco Corp. v. U.S., 201 F.2d 819, 822 (6th Cir. 1953), *quoted in Anderson v. U.S.*, 39 F. App'x 132, 135 (6th Cir. 2002). The Sixth Circuit has cautioned that this “drastic remedy” is “to be resorted to only when required for the purposes of justice . . . [and] only when the pleading to be stricken has no possible relation to the controversy.” *Id.* Here, Defendant Chamber-Smith’s Answer is clearly related to the controversy and Plaintiff has not demonstrated that the interests of justice require that it be stricken. Accordingly, to the extent that Plaintiff’s Opposition constitutes a Motion to Strike, that Motion is **DENIED**.

IT IS SO ORDERED.

/s/ Caroline H. Gentry

Caroline H. Gentry
United States Magistrate Judge

Notice of Procedure on Objections

Pursuant to Fed. R. Civ. P. 72(a), any party may serve and file specific, written objections to the findings within **FOURTEEN** days after being served with this Order. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days if this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), or (F). Such objections shall specify the portions of the Order objected to and shall be accompanied by a memorandum of law in support of the objections. If the Order is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the

assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).